



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Jaimini A. Vyas
Assistant Corporation Counsel

December 19, 2023

BY ECF

Honorable Katherine Polk Failla
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Grullon et al. v. Banks et al.*, 23-cv-10388 (KPF)

Dear Judge Failla:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for the Defendants in the above-referenced action. I am submitting this letter setting forth the status update for the four students in the above-captioned case as ordered by the Court during the telephonic conference held on Friday, December 15, 2023, at 4:45 p.m.

1 C.B. Case No. 250752

Due to Plaintiff's failure to follow the procedures of Impartial Hearing Officer ("IHO") Paul J. DeSena, Plaintiff never received a pendency determination in Case No. 250752, despite the uncontested nature of pendency. On October 18, 2023, IHO DeSena issued a Findings of Fact and Decision ("250752 FOFD") finding for Plaintiffs.

However, on November 13, 2023, Plaintiff filed a Notice of Intention to Seek Review of the FOFD with the State Review Office, which stayed the implementation of the FOFD. Then the plaintiff changed course and filed the Complaint in the above-captioned matter on November 28, 2023. On or around November 29, 2023, Plaintiff notified Defendants that it had abandoned the appeal of the 250752 FOFD, and Defendants restarted the process to implement the 250752 FOFD. These facts, which are missing from the Complaint, caused a delay in Defendants' implementation of the 250752 FOFD. The Defendants will now authorize and resume payments ordered by the 250752 FOFD in the ordinary course of business.

2 L.S. Case No. 251061

On September 15, 2023, IHO Jennifer Ritter issued an FOFD finding for Plaintiffs and ending L.S.'s entitlement to pendency.

Contrary to the representation to the Court by Plaintiff's counsel during the December 15 telephonic conference—that Defendants had not provided any payments for L.S. since July 5, 2023—Defendants provided a \$98,693.40 payment to L.S. on November 30, 2023, and are working to process the remainder in the ordinary course of business.

3 S.J.D. Pendency Order No. 251257

A November 17, 2023, FOFD requires the Defendants to fund S.J.D.'s tuition, transportation, and nursing. Defendants are working to authorize the tuition payment as a priority and will process and remit payments towards transportation and nursing in their ordinary course of business. To process transportation payments, on December 18, 2023, Defendants requested from Plaintiff's counsel actual documentation of the days when S.J.D. received transportation services and attendance records showing in-person attendance at the school.

4 R.P. Pendency Order No. 250927

On September 15, 2023, an IHO ordered the Defendants to provide payments to fund R.P.'s pendency program according to FOFD issued by IHO Varnai on March 13, 2023. Both Plaintiff and Defendants agree that Defendants issued a payment of \$149,348.02 in full satisfaction of the amount owed toward tuition. Defendants are working to process and authorize payments towards transportation in their ordinary course of business.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,



Jaimini A. Vyas
Assistant Corporation Counsel

cc: **BY ECF**
Rory Bellantoni, Esq.